UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

-against-

RALPH R. CIOFFI AND MATTHEW M. TANNIN,

Defendants.

08 Civ. 2457 (FB) (VVP)

ECF

DECLARATION OF MARYANN SUNG
IN OPPOSITION TO PLAINTIFF'S MOTION TO COMPEL

Pursuant to 28 U.S.C. § 1746, I, MaryAnn Sung, hereby declare:

1. I am an associate at Brune & Richard LLP, which is counsel to defendant Matthew M. Tannin.

2. I submit this declaration in opposition to plaintiff Securities and Exchange Commission's motion to compel dated April 24, 2009.

3. Attached as Exhibit A is a true and correct copy of the U.S. Securities and Exchange Commission Litigation Release No. 20625 dated June 19, 2008

4. Attached as Exhibit B is a true and correct copy of the July 15, 2008 Testimony Concerning Recent Developments in the U.S. Financial Markets and Regulatory Responses by SEC Chairman Christopher Cox, before the U.S. Senate Committee on Banking, Housing and Urban Affairs.

5. Attached as Exhibit C is a true and correct copy of the transcript of proceedings in this case before Judge Block on October 17, 2009.

6. Attached as Exhibit D is a true and correct copy of the Memorandum and Order of Judge Block dated October 23, 2008.

7. Attached as Exhibit E is a true and correct copy of defendant Matthew M. Tannin's Memorandum of Law in Opposition to the Government's Application to Intervene and to Stay dated October 3, 2008.

8. Attached as Exhibit F is a true and correct copy of the Memorandum of Judge Block in *United States* v. *Financial Industry Regulatory Authority*, No. 09-MC-188, dated April 9, 2009.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
May 1, 2009

/s/ MaryAnn Sung
MaryAnn Sung